

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 10, 13, and 18 are currently pending in the application. All claims have been rejected.

By the present amendment, claim 10 has been cancelled without prejudice, claims 13 and 18 have been amended, and new claims 19 - 25 have been added to the application.

In the office action mailed December 6, 2007, claims 10, 13 and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by WO 96 10034 to Giacomini and under 35 U.S.C. 102(a) as being anticipated U.S. Patent No. 6,807,900 to Iori.

The foregoing rejections are traversed by the instant response.

As set forth in new independent claim 19, the present invention relates to a frying device for cooking foodstuffs, comprising a service drum, a unit comprising a frying drum designed as a hollow cylinder having a horizontal axis and being closed on all sides, containing liquefied cooking fat, and a discharge drum having a discharging conveyor chute, arranged coaxial within the frying drum and being attached to a cover of the frying drum, said unit being accommodated in the service drum in such a manner as to be removable from the service drum by axial displacement, a motor, a revolving agitator accommodated in the frying drum, connected to the motor and rotatable around the fixed discharge drum, conveying cooked portions onto a conveyor chute when driven by the motor, a storage container for foodstuffs to be cooked, and a transportation pipe connecting the frying drum to the storage

container for supplying the frying drum with portions of the foodstuffs.

Support for the claim and its limitations can be found in FIG. 2, paragraph 0018 of the specification, paragraph 0021 of the specification (first and last sentence), and paragraph 0022 of the specification, second sentence.

U.S. Patent No. 6,807,900 B2 (Iori) reveals an apparatus for foodstuff in water or oil. It shows a frying device 10 for cooking foodstuffs, comprising a service drum 16, a frying drum 30 designed as a hollow cylinder having a horizontal axis and being formed from a perforated sheet, a separate vessel 26 containing cooking liquid, a discharge drum 54 having a discharging conveyor chute 56, arranged coaxial within the frying drum 30 and being attached to a front-end cover of the service drum 16, a motor 44, a revolving agitator 32 accommodated in the frying drum 30, connected to the motor 44 and rotatable around the axis, for transporting portions of the foodstuff underneath the discharge drum 54 through the liquefied fat and conveying the cooked portions onto the conveyor chute 56 when driven by the motor 44.

The Iori patent does not disclose a unit comprising a frying drum and a discharge drum, the frying drum to be a vessel closed on all sides and containing the liquefied fat, the discharge drum being attached to the frying drum, the unit to be removable from the service drum by displacing it axially, a storage container for foodstuff to be cooked, and a transportation pipe connecting the frying drum to the storage container for supplying the frying drum with the portions of the foodstuff.

WO96/19934 A (Giacomini) reveals a deep-fryer structure. This device is a frying device 1 for cooking foodstuffs,

comprising a service drum 8, a frying drum 2 designed as a hollow cylinder having a vertical axis and being closed on all sides, containing liquefied cooking fat, a discharge chute 4 on the outside of the frying drum 2, the frying drum 2 being accommodated in the service drum 8 in such a manner as to be removable from the service drum 8 by displacing it axially, a motor 18, a revolving agitator 23 accommodated in the frying drum 2, connected to the motor 18 and rotatable around the axis, for transporting portions of the foodstuff within the liquefied fat and rod-crank mechanism 17 for conveying the cooked portions onto the conveyor chute 4 by lifting up the revolving agitator 23.

The Giacomini patent document does not disclose a unit comprising a frying drum and a discharge drum, the frying drum having a horizontal axis, a discharge drum with a conveyor chute inside its hollow space, the portions to be discharged by rotation of the agitator, the revolving agitator rotatable around a horizontal axis, a storage container for foodstuff to be cooked, and a transportation pipe connecting the frying drum to the storage container for supplying the frying drum with the portions of the foodstuff.

Neither of the two cited and applied documents reveal the features of the apparatus according to the present invention. Giacomini teaches a different way to discharge the portions than the invention and does not reveal the elements necessary to discharge them in the way the apparatus of the invention does. There is no discharge drum having a conveyor chute.

Iori does teach to discharge the portions in the way the apparatus according to the invention does, but it does not teach the unit comprising a frying drum and a discharge drum. Its discharge drum is attached to the service drum. Therefore, it is

not possible to remove the frying drum together with the discharge drum by axially displacing them.

It was not obvious to the person skilled in the art to drop the vessel 26 and to change the frying drum (element 30 made from perforated stainless steel sheet) into a drum closed on all sides and containing the liquid, and forming a unit together with the discharge drum attached to the frying drum, so that the frying drum and the discharge drum together are axially removable from the service drum as a unit.

The person skilled in the art and knowing the two patent documents is not led by Giacomini to close the openings in the perforated sheet of the frying drum according to Iori, and to close the frying drum on all sides, and to attach the discharge drum to it, and to make them together a unit removable, while at the same time keeping the axis of the frying drum horizontal.

The apparatus according to new claim 19 is therefore novel and inventive with respect to Giacomini and Iori.

Claims 13, 18, and 20 - 25 are allowable for the same reasons that claim 19 is allowable as well as on their own accord.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Please charge Deposit Account No. 02-0184 in the amount of \$60.00 to cover the one month extension of time fee. Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

Respectfully submitted,

By /Barry L. Kelmachter #29999/
Barry L. Kelmachter
Attorney for Applicant
Reg. No.: 29,999

Telephone: 203-777-6628
Telefax: 203-865-0297

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